

WEDNESDAY, JANUARY 14, 2015

SECOND ORGANIZATIONAL DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Bishop John Bauerschmidt, Episcopal Diocese of Tennessee.

Representative Powell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Akbari, Alexander, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Madam Speaker Harwell -- 96

EXCUSED

The Speaker announced that the following member has been excused, pursuant to request under **Rule No. 20**:

Representative Hazlewood; personal

**COMMUNICATION
JANUARY 14, 2015**

Andrea Burckhard
320 E. Broad Street, Suite 1A
Cookville, TN 38501

Re: Economic Council on Women

Dear Ms. Burckhard:

**WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

As Speaker of the Senate and Speaker of the House acting jointly pursuant to Tennessee Code Annotated, § 4-50-101(a), we are appointing you to serve as a member of the Economic Council on Women representing the Upper Cumberland Development District. Your term commences immediately and will expire on August 31, 2020.

We are forwarding a copy of this letter to the Economic Council on Women. Dr. Phyllis Qualls-Brooks will be contacting you in the near future regarding this appointment.

We are confident that you will perform the duties of office with the high standard of professionalism, dedication and integrity that the citizens of Tennessee deserve and expect from their public servants.

Best Wishes,

/s/ Lt. Governor Ron Ramsey

/s/ Speaker Beth Harwell

cc: Dr. Phyllis Qualls-Brooks – Economic Council on Women
Brian T. McCormack, G-7 State Capitol Building
Lance Frizzell
Russell Humphrey
Scott Gilmer
Tammy Letzler
Connie Ridley
Catherine Haire
Joseph A. Barnes
Karen Garrett

PRESENT IN CHAMBER

Rep(s). Armstrong and Womick were recorded as being present in the Chamber.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 3 Rep. Lamberth as prime sponsor.

House Joint Resolution No. 5 Reps. Lamberth, Weaver and Rogers as prime sponsors.

House Joint Resolution No. 6 Rep. Cooper as prime sponsor.

House Joint Resolution No 7 Reps. Lamberth and Cooper as prime sponsors.

House Joint Resolution No. 9 Reps. Holt and Byrd as prime sponsors.

SPONSOR EXCLUSION

Pursuant to the signed Sponsor Exclusion form, when a motion is made to add all members voting in the affirmative as co-prime sponsors to any bill or resolution on the House floor, the following members request that their names not be added without their own signatures, and that this is effective until the adjournment of the 2015 annual session of the 109th General Assembly: Reps. Pody and Ragan.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolutions listed were introduced and held on the Clerk's desk pending the appointment of the appropriate standing committees:

House Joint Resolution No. 10 -- Constitutional Amendments - Proposes amendment of Article VI, Section 5 to provide for popular election of the attorney general and reporter for a regular term of eight years. by *Fitzhugh.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for January 15, 2015:

House Joint Resolution No. 11 -- Memorials, Heroism - Jason Nelson. by *Gravitt, *McCormick, *Carter, *Favors.

House Joint Resolution No. 13 -- Memorials, Recognition - Fayette Academy student team Best In State in Verizon Innovative App Challenge. by *Wilburn.

House Joint Resolution No. 15 -- Memorials, Public Service - Stone Carr. by *Swann, *Ramsey.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 16** -- Hospitals and Health Care Facilities - As introduced, deletes authorization for hospitals that are otherwise subject to the open meetings and records laws to have closed meetings and confidential records concerning marketing strategies and strategic plans. - Amends TCA Section 68-11-238. by *Carter.

***House Bill No. 17** -- Taxes, Hotel Motel - As introduced, authorizes the city of Columbia to levy a privilege tax upon the privilege of occupancy by a two-thirds vote of its governing body. - Amends TCA Section 67-4-1425. by *Butt, *Shepard.

WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

***House Bill No. 18** -- Insurance, Health, Accident - As introduced, prohibits health insurance entities from charging a covered person a greater copayment or coinsurance amount for primary care services rendered during an office visit to a physician assistant than those charged for primary care services rendered during an office visit to a physician. - Amends TCA Title 56, Chapter 7. by *Shepard.

***House Bill No. 19** -- Traffic Safety - As introduced, specifies that utility workers and meter readers are exempt from wearing seat belts while emerging from and reentering a vehicle at frequent intervals, and while the vehicle is operated at less than 40 mph. - Amends TCA Section 55-9-603. by *Goins.

House Bill No. 20 -- Local Government, General - As introduced, expands presumptive disability in acquiring certain infectious diseases in the line of duty by emergency rescue workers to include the hepatitis C virus. - Amends TCA Section 7-51-209. by *Johnson , *Faison.

House Bill No. 21 -- Special License Plates - As introduced, authorizes the issuance of a new specialty earmarked license plate for Historic Collierville. - Amends TCA Title 55, Chapter 4. by *Todd.

***House Bill No. 22** -- Human Rights - As introduced, prohibits employers from asking applicants for employment about expunged offenses; prevents higher education institutions from asking applicants for admission about expunged offenses; establishes civil penalties for private employers violating act's provisions. - Amends TCA Title 40, Chapter 32; Title 49, Chapter 7 and Title 50. by *Gilmore, *Camper.

***House Bill No. 23** -- Teachers, Principals and School Personnel - As introduced, authorizes the state board of education to make policies concerning the revocation of licenses and certificates for misconduct. - Amends TCA Section 49-1-302. by *Forgety.

***House Bill No. 24** -- Economic and Community Development - As introduced, enacts the "Go Build Tennessee Act." - Amends TCA Title 4 and Title 62, Chapter 6. by *Williams.

***House Bill No. 25** -- Medical Occupations - As introduced, adds dry needling to scope of practice of a physical therapist. - Amends TCA Title 63, Chapter 13. by *Williams.

***House Bill No. 26** -- Highways, Roads and Bridges - As introduced, names a bridge on State Route 191 in Benton County in memory of the late Donald Lynn Gilliam. by *Wirgau.

***House Bill No. 27** -- Beer - As introduced, changes from January 1, 2017, to July 1, 2015, the effective date for the redefining of beer from not more than five percent alcohol to not more than eight percent alcohol. - Amends TCA Section 57-3-101; Section 57-5-101 and Chapter 861 of the Public Acts of 2014. by *Sanderson.

House Bill No. 28 -- Highway Signs - As introduced, names a segment of State Route 104 in Dyer County as the "Harold Holt Highway.". by *Sanderson.

***House Bill No. 29** -- Landlord and Tenant - As introduced, permits a landlord to provide three days' notice as sufficient notice of termination of tenancy for eviction of certain residential

WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

tenants if the tenants engage in certain violent activities. - Amends TCA Title 29 and Title 66. by *Sanderson.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were held on the Clerk's desk pending appointment of appropriate standing committees:

House Bill No. 1 -- Taxes, Sales -- Held On Desk

***House Bill No. 2** -- Abortion -- Held On Desk

***House Bill No. 3** -- Education -- Held On Desk

***House Bill No. 4** -- Education -- Held On Desk

***House Bill No. 5** -- Teachers, Principals and School Personnel -- Held On Desk

***House Bill No. 6** -- Basic Education Program (BEP) -- Held On Desk

***House Bill No. 7** -- Fiscal Review Committee -- Held On Desk

***House Bill No. 8** -- Railroads -- Held On Desk

***House Bill No. 9** -- General Assembly -- Held On Desk

***House Bill No. 10** -- Students -- Held On Desk

***House Bill No. 11** -- Alcoholic Beverages -- Held On Desk

***House Bill No. 12** -- State Government -- Held On Desk

***House Bill No. 13** -- Food and Food Products -- Held On Desk

***House Bill No. 14** -- Children's Services, Dept. of -- Held On Desk

***House Bill No. 15** -- Children's Services, Dept. of -- Held On Desk

CONSENT CALENDAR

House Joint Resolution No. 1 -- Memorials, Recognition - Senator Mildred Jolly Lashlee. by *Halford.

WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

House Joint Resolution No. 2 -- Memorials, Recognition - Senator Mildred Jolly Lashlee. by *Halford.

House Joint Resolution No. 3 -- Memorials, Professional Achievement - John Germ, president of Rotary International. by *McCormick.

House Joint Resolution No. 4 -- Memorials, Personal Achievement - Michael Monroe, Eagle Scout. by *McCormick.

House Joint Resolution No. 5 -- Memorials, Recognition - Tennessee Department of Transportation, 100th anniversary. by *Goins.

House Joint Resolution No. 6 -- Memorials, Public Service - Ed Haley. by *Lollar, *Coley, *Todd, *McManus.

House Joint Resolution No. 7 -- Memorials, Recognition - Dr. Baeteena Black. by *Shepard, *Armstrong, *Jones, *Favors, *Hardaway, *Stewart, *Fitzhugh, *Mitchell, *Love, *Windle, *Beck.

House Joint Resolution No. 8 -- Memorials, Death - Robert I. Blue Sr. by *Shepard, *Littleton.

House Joint Resolution No. 9 -- Memorials, Sports - Union City High School, Division I Class A state football champions. by *Sanderson.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 1: by Rep. Halford

Under the rules, House Joint Resolution No. 1, was placed at the heel of the calendar for January 15, 2015.

Rep. McCormick moved that all members voting aye on House Joint Resolution No. 3 and House Joint Resolution No. 4 be added as co-prime sponsors, which motion prevailed.

Rep. Lollar moved that all members voting aye on House Joint Resolution No. 6 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Pody and Ragan.

Rep. Goins moved that all members voting aye on House Joint Resolution No. 5 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Pody and Ragan.

Rep. Shepard moved that all members voting aye on House Joint Resolution No. 7 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Pody and Ragan.

**WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes.....	0
Present and not voting.....	1

Representatives voting aye were: Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton, Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Travis, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

Representatives present and not voting were: Turner -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "present and not voting" to "aye" on **Consent Calendar** and have this statement entered in the Journal: Rep. Turner.

UNFINISHED BUSINESS

BILLS WITHDRAWN

**WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

On motion of Rep. Halford, **House Joint Resolution No. 1** was withdrawn from the House.

RULES SUSPENDED

Rep. McCormick moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 18 out of order which motion prevailed.

Senate Joint Resolution No. 18 -- General Assembly, Joint Conventions - Calls joint convention on January 15, 2015, to fulfill ethics course requirement for members of general assembly. by *Norris.

On motion of Rep. McCormick, the resolution was concurred in.

A motion to reconsider was tabled.

ANNOUNCEMENTS

The Chief Clerk announced that the report from the Select Committee on Rules is spread on the member's desk for review.

REPORTS FILED

The Chief Clerk announced that the report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and Department of Treasury had been filed with the Clerk's Office and was available for review.

**MESSAGE FROM THE SENATE
January 14, 2015**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 19; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
January 14, 2015**

**WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

19. The Speaker announced that she had signed the following: Senate Joint Resolution No.

JOE McCORD, Chief Clerk

**MESSAGE FROM THE SENATE
January 14, 2015**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 18 and 20; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
January 14, 2015**

The Speaker announced that she had signed the following: Senate Joint Resolutions Nos. 18 and 20.

JOE McCORD, Chief Clerk

**ENGROSSED BILLS
January 14, 2015**

MADAM SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 2, 3, 4, 5, 6, 7, 8 and 9.

GREG GLASS, Chief Engrossing Clerk

OATH OF OFFICE

Representative-elect Hazlewood was administered the Oath of Office by the Honorable Justice Jeffrey Bivins of the Tennessee Supreme Court, as prescribed by the State Constitution and the Statutes of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were Akbari, Alexander, Armstrong, Beck, Brooks H., Brooks K., Butt, Byrd, Calfee, Camper, Carr, Carter, Casada, Clemmons, Coley, Cooper, Daniel, DeBerry, Doss, Dunlap, Dunn, Durham, Eldridge, Faison, Farmer, Favors, Fitzhugh, Forgety, Gilmore, Goins, Gravitt, Halford, Hardaway, Harrison, Hawk, Haynes, Hill M., Hill T., Holsclaw, Holt, Howell, Hulsey, Jernigan, Johnson, Jones, Kane, Keisling, Kumar, Lamberth, Littleton,

**WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

Lollar, Love, Lundberg, Lynn, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller, Mitchell, Moody, Parkinson, Pitts, Pody, Powell, Powers, Ragan, Ramsey, Reedy, Rogers, Sanderson, Sargent, Sexton C., Sexton J., Shaw, Shepard, Smith, Sparks, Spivey, Stewart, Swann, Terry, Todd, Towns, Travis, Turner, Van Huss, Weaver, White D., White M., Wilburn, Williams, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

RECESS

On motion of Rep. McCormick, pursuant to Senate Joint Resolution No. 19, the House stood in a brief recess to prepare for the Joint Convention for the purpose of electing Constitutional Officers, at the conclusion of which, the House stood in recess until 9:00 a.m., Thursday, January 15, 2015.

IN JOINT CONVENTION

ELECTION OF CONSTITUTIONAL OFFICERS

The hour having arrived, set by Senate Joint Resolution No. 19, the House and Senate met in Joint Convention for the purpose of the election of the Constitutional Officers.

Mr. President Ramsey called the Joint Convention to order pursuant to Senate Joint Resolution No. 19.

Senator Norris moved to dispense with the Senate Roll Call, which motion prevailed.

Representative McCormick moved to dispense with the House Roll Call, which motion prevailed.

The Clerk of the Senate read Senate Joint Resolution No. 19 authorizing the Joint Convention.

Mr. President Ramsey declared the first order of business was to adopt the Report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of the Treasury.

**REPORT OF THE SELECT COMMITTEE TO REVIEW THE AUDITS AND OPERATIONS OF
THE COMPTROLLER OF THE TREASURY AND THE DEPARTMENT OF TREASURY**

On January 13, 2015 the select committee appointed by the Speakers of the Senate and the House of Representative, pursuant to Tennessee Code Annotated, Sections 8-4-102 and 8-5-102, to review the audits and operations of the Comptroller of the Treasury and the Department of the Treasury met in Room 12 of the Legislative Plaza. The select committee was composed of Representative Gerald McCormick, Representative Charles Sargent and Representative Craig Fitzhugh and Senator Mark Norris, Senator Lee Harris and Senator Randy McNally, who served as chairman. A quorum was present.

Treasurer David H. Lillard, Jr. and Comptroller Justin P. Wilson presented the following information to the committees:

1. An audit report of the Comptroller of the Treasury, dated December 2014
2. An audit report of the Department of the Treasury for the fiscal year ended June 30, 2014.
3. A report entitled "State of Tennessee Comptroller of the Treasury Department of Audit External Peer Review for the period 7/1/2013 through 6/30/2014" conducted under the direction of the National State Auditors Association.

Senator Norris moved that the committee accept the audits of the Comptroller of the Treasury and the Department of the Treasury as being properly conducted and in compliance

WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL VERSION

with all laws and to report such action to the Senate and House of Representatives. Representative Sargent seconded the motion. The motion carried unanimously.

There being no further business, the committees adjourned, sine die.

/s/ Senator Mark Norris
/s/ Senator Randy McNally
/s/ Senator Lee Harris

/s/ Representative Gerald McCormick
/s/ Representative Charles Sargent
/s/ Representative Craig Fitzhugh

Senator McNally moved, pursuant to Tennessee Code Annotate Sections 8-4-102 and 8-5-102, that the Joint Convention adopt the report of the Select Committee to Review the Audits and Operations of the Comptroller of the Treasury and the Department of the Treasury.

Representative McCormick seconded the motion, which motion prevailed.

ELECTION OF THE COMPTROLLER OF THE TREASURY

Mr. President Ramsey declared the next order of business was the election of the Comptroller of the Treasury and that nominations were in order.

Representative Casada nominated Mr. Justin P. Wilson of Davidson County.

Senator Ketron seconded the nomination of Mr. Wilson.

Speaker Pro Tempore Johnson moved that nominations cease and that Mr. Justin P. Wilson be elected by acclamation, which motion prevailed.

President Ramsey declared Mr. Wilson duly, legally and constitutionally elected Comptroller of the Treasury.

President Ramsey appointed the following committee to escort Mr. Wilson to the Well of the House: Senators Dickerson, Harper and Yager; Representatives Clemmons, McManus and Haynes. Representative Ryan Haynes served as Chair of the Committee.

OATH OF OFFICE

The Oath of Office was administered to Mr. Wilson by the Honorable Jeffery S. Bivins, Justice of the Tennessee Supreme Court.

Mr. Wilson expressed his appreciation to the General Assembly.

ELECTION OF STATE TREASURER

Mr. President Ramsey declared the next order of business was the election of the State Treasurer and that nominations were in order.

**WEDNESDAY, JANUARY 14, 2015 – SECOND ORGANIZATIONAL DAY UNOFFICIAL
VERSION**

Senator Norris nominated Mr. David H. Lillard, Jr. of Shelby County.

Representative McCormick seconded the nomination of Mr. Lillard.

Representative Sargent moved that nominations cease and that Mr. David H. Lillard, Jr. be elected by acclamation, which motion prevailed.

President Ramsey declared Mr. David H.L Lillard, Jr. duly, legally and constitutionally elected State Treasurer.

President Ramsey appointed the following committee to escort Mr. Lillard to the Well of the House: Senators Watson, Gresham and Kelsey; Representatives K. Brooks, Lundberg and Wilburn. Senator Gresham served as Chair of the Committee.

OATH OF OFFICE

The Oath of Office was administered to Mr. Lillard by the Honorable Jeffery S. Bivins, Justice of the Tennessee Supreme Court.

Mr. Lillard expressed his appreciation to the General Assembly.

Mr. President Ramsey relinquished the Chair to Madam Speaker Harwell.

Thereupon, the purpose for which the Joint Convention was called having been accomplished, Madam President Harwell declared the Joint Convention dissolved.